**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.26886 OF 2005**

**ORDER:**

Heard the learned counsel for both the parties and perused the material on record.

On a complaint lodged by Sri M. Ranga Reddy, Member of Legislative Assembly, Malakpet Constituency, and others on 16.11.2004 a crime was registered against the petitioner on the file of the Police Station, Malakpet, for the offence punishable under Section 507 IPC. It is also not in dispute that the investigation has already been completed and charge-sheet has been filed in the Court of the XII Metropolitan Magistrate, Hyderabad on 10.01.2005 vide Final Report No.1/2005, in which it was mentioned that the evidence collected revealed that the accused made phone call to the Cell of Malreddy Ranga Reddy (L.W.1) and abused the Complainant making threats as stated therein. However, the petitioner filed Criminal Petition No.2876 of 2005 under Section 482 of the Code of Criminal Procedure to quash the charge sheet vide C.C.No.1 of 2005. This Court while entertaining the same by order dated 5.08.2005, granted interim stay of all further proceedings relating to C.C.No.1 of 2005 in Crime No.394/2004, pending on the file of the XII Metropolitan Magistrate Court, Hyderabad. In this Writ Petition the petitioner alleges that on 27.11.2005 while he was about to board the plane to go abroad in connection with his business, his passport was seized and he was sent to Police Station, Malakpet. Though, subsequently his passport was released, the respondents were not allowing him to leave the country. Hence, this Writ Petition seeking a Writ of Mandamus declaring the said action of the respondents as arbitrary and illegal.

In response to the Rule Nisi ordered, the Inspector of Police, Malakpet, filed a counter-affidavit, in which it is stated that though NBWs were issued by the learned XII Metropolitan Magistrate on 11.07.2005, the same were not executed in view of the interim stay granted by this Court in Criminal Petition No.2876 of 2005 and the warrants were returned to the Court. It is also stated that the petitioner was absconding and the Criminal Petition is being contested by them. So far as the allegation made by the petitioner that his passport was seized, it is stated that on

27.1.2005 while the petitioner was leaving for abroad, the Immigration Staff of Rajiv Gandhi International Air Port handed over the petitioner in the Police Station, Malakpet as his name figured in the LOC for his involvement in Crime No.394/2004. However, when the petitioner produced interim orders granted by this Court, further steps have not been taken. It is also stated that since they have already completed the investigation and charge-sheet has been filed before the competent Court, the truth or otherwise of the allegations made against the petitioner will come out only after the full-fledged trial in C.C.No.1/2005.

In view of what has been stated in the counter-affidavit filed on behalf of the respondents, though it is true that the Immigration Staff of the Rajiv Gandhi International Air Port prevented the petitioner from going abroad, it appears that subsequently the passport of the petitioner was returned and no further steps were taken since interim stay granted in Criminal Petition No.1821 of 2005 is in force. In the circumstances, it is for the petitioner as well as the respondents to pursue Criminal Petition No.2876 of 2005 pending in this Court under Section 482 of the Code of Criminal Procedure. Since the allegations made by the petitioner have been denied by the respondents in their counter-affidavit, no further adjudication is necessary in this Writ Petition.

Accordingly, recording the statements of the 2nd respondent in the counter-affidavit, the Writ Petition is disposed of. No costs.

_____

**(G. ROHINI, J.)**

23rd January, 2006.

Kgr

Note:

Issue CC in three days.

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.26886 OF 2005**

23rd January, 2006.

Between:

Mohd Shafiq. .. Petitioner.

And

The Commissioner of Police, Hyderabad,

Having office at Basheerbagh, Hyderabad

And another. .. Respondents.